

**MARKUP OF H. CON. RES. 232, EXPRESSING
THE SENSE OF CONGRESS CONCERNING THE
SAFETY AND WELL-BEING OF UNITED STATES
CITIZENS INJURED WHILE TRAVELLING IN MEX-
ICO**

MARKUP
BEFORE THE
SUBCOMMITTEE ON
THE WESTERN HEMISPHERE
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

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**MARKUP OF H. CON. RES. 232, EXPRESSING
THE SENSE OF CONGRESS CONCERNING
THE SAFETY AND WELL-BEING OF UNITED
STATES CITIZENS INJURED WHILE TRAVEL-
LING IN MEXICO**

Wednesday, June 14, 2000

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON WESTERN HEMISPHERE,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, D.C.

The Subcommittee met, pursuant to notice, at 2 p.m. In Room 2172, Rayburn House Office Building, Hon. Elton Gallegly (Chairman of the Subcommittee) presiding.

Mr. GALLEGLY. Call to order the Subcommittee on the Western Hemisphere.

The first order of business for the Subcommittee will be the consideration of legislation introduced by our colleague from California, Congressman Duncan Hunter. Will the clerk please report the bill?

The CLERK. House Concurrent Resolution 232—

Mr. GALLEGLY. I ask unanimous consent that the bill be considered as read and open for amendment at any point.

[The information referred to appears in the appendix.]

Mr. GALLEGLY. House Concurrent Resolution 232 is the result of several unfortunate incidents involving a conflict between Mexican law enforcement and sound medical treatment provided to U.S. as well as other foreign citizens while traveling in Mexico.

Last August, California resident Donald Craft, his wife and his three children were vacationing in Baja, Mexico, when they were involved in a serious automobile accident. Mr. Craft broke his neck and was in critical condition when he was taken to a local Mexican hospital where doctors advised his family that he be immediately sent to a trauma center in San Diego for more intensive medical care.

There was, however, one problem. Under Mexican law, foreigners involved in traffic accidents that are being investigated for possible criminal action cannot leave Mexico until they post a bond.

Mrs. Craft was required to pay \$7,000 before her critically injured husband would be allowed to leave the country. After what must have been an excruciating 18 hours, the money was provided; and Mr. Craft was finally sent back to the United States.

Regrettably, on September 6th, Mr. Craft died of complications associated with that accident.

Ironically, this tragedy has been repeated on several occasions since Mr. Craft's death, including a case involving a constituent of our colleague from Miami, Ms. Ros-Lehtinen.

Now, we understand that Mexico has its own laws and procedures which should be known and respected. However, in these kinds of cases, flexibility ought to be the order.

Since the Craft incident, I am told that the U.S. and Mexican governments have begun a dialogue on how to address this issue. H. Con. Res. 232 is designed to support those efforts to seek a reasonable solution to a situation which places the health and well-being of Americans and other foreign visitors to Mexico in question. The State Department has been consulted on the legislation and has no objection. I urge my colleagues to pass the legislation.

Are there other Members present who wish to make a statement?

The gentlelady from Miami, Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman.

Every year, thousands of people leave the Port of Miami on cruise ships that take them to foreign lands. Yet many tourists never consider what they would do if they found themselves in an emergency situation abroad. What was supposed to be a peaceful vacation cruise to Mexico for a couple in my congressional district turned out to be a nightmare that continues to haunt Michael and Lorraine Andrews still today.

Fifteen minutes before their ship departed from one of the ports, Michael and Lorraine's car went off the road, causing a tragic accident that would change their lives forever. With no passport, no money and no real means of identification, Lorraine Andrews became frustrated in trying to deal with Mexican authorities to get the medical assistance for her husband, who had lost sensation below his neck.

After an hour and a half, an air bus arrived; and while Lorraine and Michael thought everyone was on track to get them out safely, Mexican authorities refused to let go of the stretcher that Michael was on. It became evident that an exchange had to occur. Michael's stretcher was only released after the plane's co-pilot dropped American dollars on the tarmac, forcing Mexican authorities to scurry for them.

Today, Michael is a complete quadriplegic; and although he and his wife are facing serious financial problems as a result of this tragedy, they are working to make a difference so that others do not experience similar difficulties.

Like the Andrews family, many American tourists who travel abroad are forced to bribe foreign authorities for assistance even when in dire need of medical help. For some who are in need of medical attention when it was most needed, vacations have turned out to be fatal.

Mr. Chairman, with the close relationship shared by Mexico and the United States, our citizens should not have to fear Mexican authorities and law enforcers who are trained to protect and save lives when vacationing in Mexico. House Concurrent Resolution 232 expressing the concern of Congress concerning the safety and well-being of United States citizens injured while traveling in Mexico is a step in the right direction to secure safety for our citizens

and to raise awareness on ways in which they can better protect themselves.

The safety of our citizens must come first, and our President must immediately begin negotiations with the government of Mexico to establish a humanitarian exemption to Mexican bond requirements. No American life should be endangered because Mexican law requires that an investigation of an accident must first be conducted. No American should be denied the right to travel when necessary for emergency medical assistance because a release bond must be paid up front. Humanitarian consideration should be allowed to supercede any regulatory bond that may delay an American's departure to proper medical care so that emergencies like that of Michael and Lorraine Andrews will be prevented in the future.

Mr. Chairman, I strongly support this concurrent resolution and ask that my colleagues look favorably on it and vote for its passage. Thank you, Mr. Chairman.

Mr. GALLEGLY. I thank the gentlelady from Florida.

Are there any other statements?

If not, the Chair has an amendment to offer. Would the clerk please report?

The CLERK. An amendment offered by Chairman Gallegly—

Mr. GALLEGLY. I ask by unanimous consent the amendment be considered as read.

[The information referred to appears in the appendix.]

Mr. GALLEGLY. The amendment which I offer simply amends the resolve clause to reflect the fact that negotiations between the United States and Mexico have actually begun and should be continued until acceptable resolution of this problem can be achieved.

If there is no further discussion, the question is on the amendment offered by the Chair. All those in favor, say aye. All opposed, say no.

The ayes have it, and the amendment is agreed to.

The clerk will report the bill as amended.

The CLERK. House Concurrent Resolution 232—

Mr. GALLEGLY. The question is on passage of the bill as amended. All those in favor, say aye. Opposed.

The ayes have it, and the bill as amended is passed and referred to the Full Committee for consideration.

That closes the markup portion.

[Whereupon, at 2:14 p.m., the Subcommittee proceeded to other business.]

A P P E N D I X

JUNE 14, 2000

106TH CONGRESS
1ST SESSION

H. CON. RES. 232

Expressing the sense of Congress concerning the safety and well-being of
United States citizens injured while travelling in Mexico.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 1999

Mr. HUNTER (for himself, Mr. BILBRAY, Mr. PACKARD, and Mr. CUNNINGHAM) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the sense of Congress concerning the safety and well-being of United States citizens injured while traveling in Mexico.

Whereas hundreds of United States citizens travel by automobile to Mexico every day;

Whereas United States automobile insurance is not valid in Mexico and travellers may purchase additional insurance to cover potential liability or injury while in Mexico;

Whereas in cases where additional insurance is not purchased and a United States citizen is involved in an automobile accident, the American will be subject to a bond requirement before being permitted to return to the United States; and

Whereas in a recent incident, a United States citizen injured in an automobile accident in Mexico was not transferred to a United States hospital for 18 hours, even after medical personnel in Mexico recommended his immediate transfer to the United States for emergency treatment, until the family posted the bond set by Mexican authorities: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that, in order
3 to protect the safety and well-being of United States citi-
4 zens travelling in Mexico, the President should begin nego-
5 tiations with the Government of Mexico to establish a hu-
6 manitarian exemption to Mexican bond requirements, in
7 order to ensure that United States citizens injured in Mex-
8 ico can be immediately transferred to United States facili-
9 ties for adequate medical treatment, if necessary.

○

AMENDMENT TO H. CON. RES. 232

OFFERED BY MR. GALLEGLY

Strike all after the resolved clause and insert the following:

1 That it is the sense of Congress that, in order to pro-
2 tect the safety and well-being of United States citizens
3 travelling in Mexico, the President should continue to ne-
4 gotiate with the Government of Mexico to establish proce-
5 dures, including a humanitarian exemption to Mexican
6 bond requirements, to ensure the expedited return of
7 United States citizens injured in Mexico to the United
8 States for medical treatment, if necessary.